

REMARKS

Formal Matters

Claims 1-5, 7, 8 and 10-13 and 23-40 are pending after entry of the amendments set forth herein. Claims 6 and 9 are cancelled without prejudice to their pursuit in a continuing application. Claim 7, 13, 23 and 26 have been amended. New claims 30-40 are added.

New claims 30 and 31 are based on claims 6 and 9 indicated as being allowable if rewritten in independent form including all of the intervening limitations. Therefore, claims 30 and 31 are believed to be in condition for allowance.

New claims 32-40 are based on claims 14-22 as presented in the Amendment May 31, 2002. These claims are now reinstated because the Examiner has not allowed the remainder of the claims as set forth in the Preliminary Amendment dated May 6, 2003. Since issuance of the present application was not, in fact, expedited by the previous, non-prejudicial action taken by Applicants with respect to claims 14-22, their continued examination is requested. No constructive election was made by canceling claims 14-22, without prejudice - since all the claims were properly examined together (and were indeed examined together).

Regarding the previous rejection(s) of claims 14-22, the Examiner is referred to the comments on record set forth most recently the Amendment dated January 21, 2003 as to why those claims (now claims 32-40) are patentable over Hoen *et al.*

No new matter has been added by way of this Amendment.

Claim Objections

Claim 23 has been amended as required by the Examiner. Accordingly, withdrawal of the objection is requested. It was indicated that claims 23-29 would be allowable if rewritten overcome the objection(s) set forth. As this has been done, it is believed that these claims are in condition for allowance.

Claim Rejections

In view of the following remarks, the claims are believed to be clearly distinguished over the cited references – namely, U.S. Patent No. 4,772,900 to Nagoshi and U.S. Patent No. 5,367,328 to Erickson.

35 U.S.C. §102 rejection of claims 1-5, 8 and 10-12

Significant structural differences exist between the subject matte54r disclosed in the '900 reference and the invention(s) set forth in the referenced claims. First off, the "manometer" in

Nagoshi is not connected in a parallel arrangement with the printhead to its fluid source. A fluid circuit – just as an electrical circuit – is connected in parallel when its lines are each connected to a common source. Such a situation as embraced by the rejected claims is clearly shown by Applicants in Figs. 1 and 2. In marked contrast, a series arrangement has components connected one after the other.*

The Nagoshi system clearly shows the ink cartridge, manometer and the recording head connected in series. They are connected in an A,B,C fashion – sequentially. Claims 1, 10 and those dependent therefrom specifically call for an opposite (*i.e.*, parallel) arrangement of elements. Likewise, the specification supports the same. Specifically, ¶ 0018 states:

The purpose of the parallel arrangement is so manometer (8) provides an indication of pressure applied at the printhead. Saying that the manometer (8) and printhead supply line (4) are connected “in parallel” does not necessarily refer to their physical orientation, but is rather an analogy to an electrical circuit setup. Put another way, it may be said that the manometer and printhead fluid supply line are not connected in series as are other printhead/manometer systems known in the art.

By way of comparison, in Nagaohi, than giving an *indication* of pressure used to provide pressure adjustment, the manometer is actually part of the pressurization system, where any “adjustment” as asserted by the Examiner involves opening/closing the manometer with toppler 5 via solenoid 7. The difference between the systems is elementary and fundamental.

In any case, Applicants assert that Nagoshi does not disclose a “variable pressure compensation source” as intended by the claims. In Applicants’ Specification, exemplary variable pressure compensation sources may be “a vacuum generator, such as a venturi, a common pump or a regulated compressed gas source.” An opening to ambient air is not believed to fairly fall within the scope of a “variable pressure compensation source” claim language either by virtue of any lexicography or merely by simple plain meaning that could be applied to the recited structure.

* *Webster’s Revised Unabridged Dictionary (1913)*

Parallel \Par“al*lel\, n. (Elec.)

That arrangement of an electrical system in which all positive poles, electrodes, terminals, etc., are joined to one conductor, and all negative poles, etc., to another conductor; -- called also multiple. Opposed to series. Note: Parts of a system so arranged are said to be in parallel or in multiple.

Series \Se“ries\, n. (Elec.)

A mode of arranging the separate parts of a circuit by connecting them successively end to end to form a single path for the current; -- opposed to parallel. Note: Parts of a system so arranged are said to be in series.

Further with respect to claim 10, the reference neither discloses (nor has the Examiner indicated) the manner in which the Nagoshi system engages in “adjusting said pressure applied to said fluid reservoir in response to changes in said manometer level” as required by the claim. In addition, Applicants are unable to determine where – if anywhere – the reference discloses supplying a positive or negative pressure to a fluid reservoir. It is specifically asserted that merely opening or closing manometer 2 does no such thing.

The ambient pressure is neutral. It is altogether unclear to Applicants how opening or closing a valve to the same neutral pressure could be interpreted as applying pressure deviating from neutral/atmosphere (*i.e.*, positive or negative pressure) as required by claims 11 and 12. Should the Examiner still intend to maintain the rejections on such grounds, further scientific explanation is requested so that Applicants might have the opportunity to meaningfully address the rejection. *See*, 35 U.S.C. §132.

In any case, the claims are believed to define over Nagoshi for any of the reasons above. Therefore, withdrawal of the rejection is respectfully requested.

35 U.S.C. §103 rejection of claims 7 and 13

Regarding the rejection, as previously written, claim 7 was dependent from claim 6. Since claim 6 was stated by the Examiner to represent allowable subject matter, so too should claim 7 be allowable. Since claim 6 had been rewritten in independent form with the original claim cancelled, claim 7 has been rewritten to explicitly include the limitations from claim 6. Accordingly, claim 7 it is believed to be in condition for allowance.

As for claim 13, it has been amended to include acts applicable to the structural limitations of claim 6 that were deemed by the Examiner in the Office Action to lend patentable weight. Absent such hardware, Erickson cannot be said to disclose or fairly suggest the steps or acts now in claim 13 regarding the use of its supply vessel.

For these reasons and others that may be applicable, claims 7 and 13 are believed to be in condition for allowance.

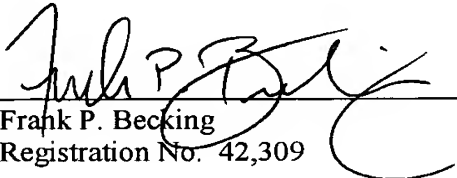
Conclusion

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10004452-1.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 8/1/03

By: 
Frank P. Becking
Registration No. 42,309

Agilent Technologies, Inc.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599
Telephone: (650) 485-2386
Facsimile: (650) 485-5487